

PTO/SB/21 (04-04)

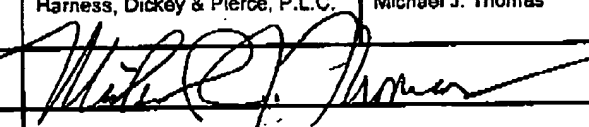
Approved for use through 07/31/2006. OMB 0551-0031

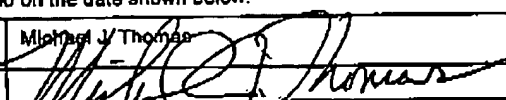
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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|  |                      |                        |                |
|--|----------------------|------------------------|----------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 09/878,787             |                |
|  | Filing Date          | June 11, 2001          |                |
|  | First Named Inventor | Goddard, et al.        |                |
|  | Art Unit             | 2154                   |                |
|  | Examiner Name        | Jinsong Hu             |                |
| Total Number of Pages in This Submission   | 5                    | Attorney Docket Number | 2186-000002/US |

| ENCLOSURES (check all that apply)   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) ____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks: The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.   |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |               |                    |
|--|---|---------------|--------------------|
| Firm or Individual name                    | Harnes, Dickey & Pierce, P.L.C.   | Attorney Name | Michael J. Thomas  |
| Signature                                  |  |               | Reg. No.<br>39,857 |
| Date                                       | April 21, 2005  |               |                    |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |                        |                |
|---|---|------------------------|----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |                        |                |
| Typed or printed name   | Michael J. Thomas   | Express Mail Label No. |                |
| Signature   |  | Date                   | April 21, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1020

**Complete if Known**

|                      |                 |
|----------------------|-----------------|
| Application Number   | 09/879,787      |
| Filing Date          | June 11, 2001   |
| First Named Inventor | Goddard, et al. |
| Examiner Name        | Jinsong Hu      |
| Art Unit             | 2154            |
| Attorney Docket No.  | 2188-000002/US  |

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
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☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fees under 37 CFR 1.16 and 1.17

☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account
**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1011         | 300      | 2011         | 150      | Utility filing fee     |          |
| 1012         | 200      | 2012         | 100      | Design filing fee      |          |
| 1013         | 200      | 2013         | 100      | Plant filing fee       |          |
| 1014         | 300      | 2014         | 150      | Reissue filing fee     |          |
| 1005         | 200      | 2005         | 100      | Provisional filing fee |          |

SUBTOTAL (1)

(\$0)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 20                 | 0            | 0              | 0        |
| Independent Claims | 3            | 0              | 0        |
| Multiple Dependent |              |                | 0        |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 50       | 2202         | 25       | Claims in excess of 20                                     |
| 1201         | 200      | 2201         | 100      | Independent claims in excess of 3                          |
| 1203         | 380      | 2203         | 180      | Multiple dependent claim, if not paid                      |
| 1204         | 200      | 2204         | 100      | ** Reissue independent claims over original patent         |
| 1205         | 50       | 2205         | 25       | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$0)

\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 2053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for reexamination                                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 120      | 2251         | 60       | Extension for reply within first month                                     |          |
| 1252         | 450      | 2252         | 225      | Extension for reply within second month                                    |          |
| 1253         | 1020     | 2253         | 510      | Extension for reply within third month                                     | 1020     |
| 1254         | 1,590    | 2254         | 795      | Extension for reply within fourth month                                    |          |
| 1255         | 2,180    | 2255         | 1090     | Extension for reply within fifth month                                     |          |
| 1401         | 500      | 2401         | 250      | Notice of Appeal   |          |
| 1402         | 500      | 2402         | 250      | Filing a brief in support of an appeal                                     |          |
| 1403         | 1000     | 2403         | 500      | Request for oral hearing   |          |
| 1452         | 500      | 2452         | 250      | Petition to revive - unavoidable   |          |
| 1453         | 1500     | 2453         | 750      | Petition to revive - unintentional   |          |
| 1501         | 1400     | 2501         | 700      | Utility issue fee (or reissue)   |          |
| 1502         | 800      | 2502         | 400      | Design issue fee   |          |
| 1480         | 130      | 1480         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1808         | 180      | 1808         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 780      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 780      | 2801         | 395      | Request for Continued Examination (RCE)                                    |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$1020)

**4. SEARCH/EXAMINATION FEES**

| Large Entity |          | Small Entity |          | Fee Description         |
|--------------|----------|--------------|----------|-------------------------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                         |
| 1111         | 800      | 2111         | 250      | Utility Search Fee      |
| 1112         | 100      | 2112         | 50       | Design Search Fee       |
| 1113         | 300      | 2113         | 150      | Plant Search Fee        |
| 1114         | 500      | 2114         | 250      | Reissue Search Fee      |
| 1311         | 200      | 2311         | 100      | Utility Examination Fee |
| 1312         | 130      | 2312         | 65       | Design Examination Fee  |
| 1313         | 180      | 2313         | 80       | Plant Examination Fee   |
| 1314         | 600      | 2314         | 300      | Reissue Examination Fee |

SUBTOTAL (4)

(\$0)

**SUBMITTED BY**

Name (Print/Type)

Michael J. Thomas

Registration No.  
(Attorney/Agent)

\$9,857

Telephone

314-726-7500

Signature

Date

April 21, 2005

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/878,787  
Filing Date: June 11, 2001  
Applicant: Goddard et al.  
Group Art Unit: 2154  
Examiner: Jinsong Hu  
Title: System and Method for an Application-Space Server Cluster  
Attorney Docket: 2186-000002/US (formerly UNL 3055.1)

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**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the restriction requirement mailed December 22, 2004, Applicant provisionally elects the "invention" of Group I (claims 1-2, 7-10, 12 and 17-19) with traverse.

Applicant respectfully submits that the restriction requirement is improper for failing to comply with Patent Office guidelines. Further, examination of all pending claims would not be unduly burdensome on the Examiner for the reasons explained below. Accordingly, the restriction requirement should be withdrawn.

The Patent Office indicated Group 1 (claims 1-2, 7-10, 12, and 17-19) is drawn to a system and method for delivering data to user based on user's request. However, independent claim 20 (Group II) recites a "system responsive to client requests for

delivering data via a network to a client," independent claim 21 (Group II) recites a "method for delivering data to a client in response to client requests," and independent claim 35 (Group III) recites a "system for delivering data to a client in response to client requests." Thus, because independent claims 20, 21 and 35 are each drawn to a system or method for delivering data to a client based on a client's request, these claims (and the claims depending therefrom) should also be included in Group I.

Additionally, independent claims 1 and 17 recite systems that interrelate a dispatch server and network servers as ring members of a token-passing ring network. Therefore, a search and examination of claims 1 and 17 will necessarily overlap with the claims of Group II, which the Patent Office indicated are drawn to a system or method for organizing a ring network and broadcasting messages in a ring network. Accordingly, examining the claims of Group I and II at the same time would not present an undue burden on the Examiner.

Further, independent claims 1 and 17 recite the ring network as being "fault-tolerant." Therefore, a search and examination of claims 1 and 17 will necessarily overlap with the claims of Group III, which the Patent Office indicated are drawn to a system or method for fault detection and recovery in a ring network. Accordingly, examining the claims of Group I and III at the same time would also not present an undue burden on the Examiner.

Further still, claims 27-28 and 32-33 (Group IV) recite additional steps for the method of claim 21, which is directed to organizing servers as ring members of a ring network, detecting a fault, and recovering from the fault. Therefore, these claims should

be examined together with independent claim 21. And as noted above, claim 21 should be examined together with independent claims 1 and 17.

For all these reasons, Applicant respectfully submits that the restriction requirement is improper (see MPEP §806.04), and that examination of all pending claims would not present an undue burden on the Examiner (see MPEP §803). Accordingly, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement.

Respectfully submitted,

Dated: 4-21-05

By:   
Michael J. Thomas, Reg. 39,857

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